

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

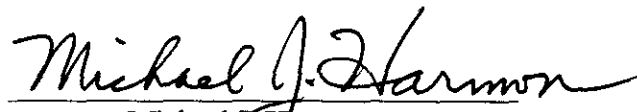
ANTHONY SLOAN,	:	Case No. C-1-01-592
Plaintiff	:	(M.J. Timothy S. Hogan)
vs.	:	
CITY OF CINCINNATI, et al.,	:	AFFIDAVIT OF
Defendants.	:	MICHAEL J. HARMON

STATE OF OHIO :
 : ss:
COUNTY OF HAMILTON :

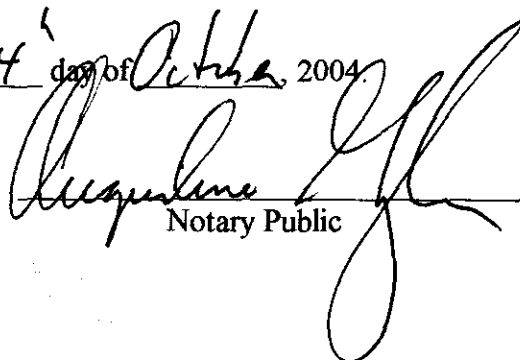
1. My name is Michael J. Harmon.
2. I am employed by the City of Cincinnati as an assistant solicitor.
3. I was the City's previous attorney of record in this case.
4. On May 5, 2004, I participated in a Scheduling Conference in Judge Hogan's chambers in connection with this case.
5. Also participating in the Scheduling Conference were Timothy A. Smith, counsel for the Plaintiff, and Stephen S. Lazarus, special counsel for Defendants Hale, Shatzer, and Triggs.
6. The purpose of the Scheduling Conference was to develop a new Scheduling Order because the parties had recently consented to have the case heard by Magistrate Judge Hogan, thus removing it from the docket of Judge Weber, who had set the previous Scheduling Order.
7. At the outset of the conference, it was indicated that the case could not come to trial any earlier than December, 2004.
8. There was discussion about the fact that Defendants had submitted a Motion for Summary Judgment on March 5, 2004 (doc.28).

9. The Defendants' Motion for Summary Judgment had been submitted as an attachment to a Motion for Leave to File out of time.
10. The Motion for Leave to File was subsequently denied by Judge Weber on March 9, 2004 (doc.29), apparently because the case had at that time been set for a trial in April, 2004.
11. Thus, Defendants' Motion for Summary Judgment had not been considered on its merits and ruled upon.
12. At the new Scheduling Conference on May 5, 2004, the Court indicated that, because the new trial date was not until December, it would consider this Motion for Summary Judgment.
13. In connection with the decision to consider Defendants' Motion for Summary Judgment, the Court discussed with Plaintiff's counsel how much time he would need to submit a memorandum in opposition to summary judgment.
14. Plaintiff's counsel agreed to submit his memorandum contra summary judgment by May 21, 2004.
15. At the conclusion the conference, a new Scheduling Order (doc.36) was set out by the Court with the joint agreement of all counsel.
16. It is my recollection that the Court indicated it would not be necessary to re-submit a copy of the Motion for Summary Judgment previously submitted March 5, 2004.

FURTHER AFFIANT SAITH NAUGHT.


Michael J. Harmon

Sworn to and signed in my presence this 14th day of October, 2004.


Notary Public



NOTARY PUBLIC, Attorney at Law
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Notary Public Commission
10/1/03 D.C.